

CHAPTER 150
LOCATION AND CONSTRUCTION OF HAZARDOUS WASTE
TREATMENT, STORAGE AND DISPOSAL FACILITIES

[Prior to 12/3/86, Water, Air and Waste Management[900]]

567—150.1(455B) Authority, purpose, scope and policy.

150.1(1) Authority. This chapter is prescribed by the commission pursuant to authority granted in Iowa Code section 455B.453, which relates to the siting of certain hazardous waste treatment, storage and disposal facilities.

150.1(2) Purpose. The purpose of these rules is to protect the public health and environment by providing a unified procedure involving all affected persons and agencies, for establishing appropriate sites and properly designed facilities for the treatment, storage and disposal of hazardous waste in Iowa, in cases within the scope of this chapter. Emphasis on alternatives to land burial of hazardous waste shall be made whenever possible.

150.1(3) Scope. These rules apply to the application and decision making for licensing the site for construction and initial operation and maintenance of any hazardous waste treatment, storage or disposal facility, or significant alteration thereof. A facility which is contiguous to the source of generation of the waste and is owned and operated by and exclusively for the treatment, storage and disposal of hazardous waste of the generator is not covered by this chapter. The definitions of Iowa Code section 455B.442 and rule 150.2(455B) further define coverage. Other rules of the department, particularly within this title, cover other aspects of hazardous waste management.

150.1(4) Policy. These regulations reflect the following policies of the commission:

a. A thorough, public development of information describing the present and future impacts a facility's construction and use would have on the public health and environment, the need for the facility, the nature of the site and surrounding area and the concerns and requirements of other agencies is necessary for a just and reasonable determination.

b. The proceedings to license a site should be conducted in a manner which is as expeditious and economical as possible without compromising the commission's main obligation of protecting the public health and environment and its policy of developing a full record.

c. The applicant shall accept primary responsibility for qualitative and quantitative information it provides in support of its application, and shall disclose any and all information known to the applicant which would reasonably be expected to affect the commission's licensing decision.

d. All parties to the licensing proceeding and any person presenting oral or written comments at the hearing shall guide their conduct in the proceedings by the above considerations and shall make every effort to avoid unnecessary delays in the proceeding.

567—150.2(455B) Definitions. In addition to the definitions in Iowa Code section 455B.442, the following definitions apply to this chapter:

"Contract" means written agreements for complete construction of a facility. Agreements to purchase land or equipment only do not suffice for purposes of Iowa Code section 455B.443(4).

"Interested agency" means the geological survey bureau of the department, the state archaeologist, the department of management, the department of transportation, the department of economic development, and any other agency that notifies the department pursuant to subrule 150.6(1) that it is interested in a particular application but is not a regulatory agency.

"Interested person" means any person who notifies the department of interest in a particular application.

"Intervenor" means a person who may be aggrieved or adversely affected by the grant or denial of a site license and who timely files a petition for intervention pursuant to rule 150.6(455B), which is granted.

"Party" means the applicant, regulatory agencies and intervenors.

“*Significant alteration*” means any change in the operational processes, equipment or wastes handled which in the reasonable determination of the director raises significant new concerns or questions as to the decisional criteria of Iowa Code section 455B.448 and subrule 150.8(2). Examples of changes which would presumptively be significant are addition of or change to a process (storage, treatment or disposal) that was not approved by a site license; a change from one operational unit-type to another (e.g., aboveground storage to below-ground storage, tank storage to surface impoundment storage, tank treatment to incineration, impoundment disposal to land burial); addition of or change to a new waste class; and expansion of site boundaries. Changes which are presumptively insignificant include the addition of a substantially similar operational unit or other change in the design capacity of any operational unit within the site boundaries. Any alteration which does not require a site license may still require permits or permit amendments from regulatory agencies.

“*Waste class*” means the appropriate category, listed below, of a chemical substance, grouped according to molecular functional groups, chemical classes or chemical reactivities. (Source: “A Method for Determining the Compatibility of Hazardous Waste,” EPA—600/2-80-076).

Acids, mineral, non-oxidizing

Acids, mineral, oxidizing

Acids, organic

Alcohols and glycols

Aldehydes

Amides

Amines, aliphatic and aromatic

Azo compounds, diazo compounds, and hydrazines

Carbamates

Caustics

Cyanides

Dithiocarbamates

Esters

Ethers

Fluorides, inorganic

Hydrocarbons, aromatic

Halogenated organics

Isocyanates

Ketones

Mercaptans and other organic sulfides

Metals, alkali and alkaline earth, elemental and alloys

Metals, other elemental, and alloys in the form of powders, vapors or sponges

Metals, other elemental, and alloy, as sheets, rods, moldings, drops, etc.

Metals and metal compounds, toxic

Nitrides

Nitriles

Nitro compound

Hydrocarbon, aliphatic, unsaturated

Hydrocarbon, aliphatic, saturated

Peroxides and hydroperoxides, organic

Phenols and creosols

Organophosphates, phosphotioates and phosphodithioates

Sulfides, inorganic

Epoxides

Combustible and flammable materials, miscellaneous

Explosives

Polymerizable compounds
Oxidizing agents, strong
Reducing agents, strong
Water and mixtures containing water
Water reactive substances

567—150.3(455B) Application procedure.

150.3(1) *Prior agency contact.* Persons intending to construct a hazardous waste treatment, storage or disposal facility subject to site licensing under these rules shall contact the following regulatory agencies in writing or in person at least 60 days prior to filing an application for site license, to determine the permitting or other regulatory requirements pertaining to the proposed facility:

- a. Iowa department of natural resources
- b. Local zoning authority
- c. Labor division of the department of employment services
- d. Iowa department of revenue and finance
- e. Soil conservation division, department of agriculture and land stewardship
- f. Any agency regulating matters pertaining specifically to the nature of the business of the applicant or potential clients.

150.3(2) *Prior notice of intent.* Notice in accordance with Iowa Code section 455B.443 shall be made prior to filing an application. Notice to the director, city council and board of supervisors shall be by personal service or certified mail. In addition to the contents specified in 455B.443 the notice shall state that an application has to be filed with this department and approved by the commission, and that persons interested in receiving notice that the application is being considered by the commission should express their interest in writing to the department. The application shall be filed within 15 days after the second publication of notice in the newspaper.

150.3(3) *Form, manner and place of filing — fee.*

a. *Form.* The application, associated documents, or other papers filed with the director in a site licensing proceeding shall be printed or typewritten and reproduced on sheets of 8½ inches by 11 inches (except for foldouts and special exhibits) in loose-leaf or equivalent replaceable sheet form with hardcover binding, volumes no more than 1½ inches thick. The information required by these rules shall be indexed and arranged in a sequential manner substantially similar to the outline form of subrule 150.3(4), with all material categorized into the specific areas and sections set forth in subrule 150.3(4). Each page shall be numbered at the bottom margin in the center, with the Arabic numeral corresponding to the section, as identified in subrule 150.3(4), hyphen, and sequential page number (e.g., 1-1, 1-2, etc.; 2-1, 2-2, etc.; etc.). Each page shall be dated in parentheses in the left, bottom margin, with the date of or near initial filing, and subsequent revisions shall be marked “Revised (date)” in parentheses in the left, bottom margin.

b. *Manner and place.* The applicant shall file the original and 25 copies, plus one copy for each regulatory agency other than the department which issues a license or permit, of the complete application by presentation or mailing, with the appropriate fee, to: Director, Department of Natural Resources, Henry A. Wallace Building, 900 East Grand Avenue, Des Moines, Iowa 50319. A copy will be maintained in the department’s records center and at the office nearest the proposed site, for public examination in accordance with 561—Chapter 2.

c. *Fee.* A nonrefundable fee of \$1,000 shall be paid with the application. This fee is in addition to the costs of the proceeding which will be assessed to the applicant pursuant to Iowa Code section 455B.450.

150.3(4) *Contents of application.* Nothing in this rule shall be construed to limit or in any way restrict the amount or type of information relevant to the issues in hazardous waste site licensing proceedings. Any omission or deficiency in the filed information, which is known to the applicant, shall be clearly identified by the applicant with an explanation of the noted omission or deficiency. The

applicant shall indicate whether the information omitted will be supplied at a later date and, if not, shall indicate the reasons for the omission. An application shall substantially comply with the following informational requirements:

a. In section 1, entitled "General Information," the applicant shall include the following information:

(1) Proof of notice in accordance with Iowa Code section 455B.443, including a copy of the notice and proof of service and publication, by affidavit or copy of return receipt.

(2) Facility name, mailing address, location (if different from mailing address), telephone number and contact person for the project.

(3) Facility owner's and operator's name, address and telephone number.

(4) A legal description of the site and a map or maps showing the location of the site with respect to state, county and other political subdivisions and prominent features such as lakes and rivers. A reproduction of the pertinent portion of a USGS 7.5 minute series topographic map, if available, and if not, of an Iowa D.O.T. county map, with the site outlined, are preferred.

(5) A plat identifying the owners of record of real property within one mile from the site boundaries.

(6) A description of the nature of the business activities and processes to be conducted at the site (treatment, storage, disposal).

(7) A description of each waste class to be handled, and a listing of each specific waste within each waste class (see rule 567—141.2(455B) and 40 CFR 261) using the hazardous waste number where possible. Also describe any hazardous waste which may result from facility operation. Estimate the volume of each waste to be handled, on a yearly basis. If seasonal variations may occur, identify this.

(8) A general description of the treatment, storage or disposal methods to be used, including design capacity.

(9) An identification of staffing and qualifications including education, skills, and relevant experience, and available resources for routine operations and emergencies, including equipment and structures.

(10) The projected life of the facility and the projected operating capacity through the life of the facility.

(11) Whether or not land burial of hazardous wastes at the site will be conducted.

b. In section 2, entitled "Regulatory Requirements," the applicant shall include the following:

(1) Proof of compliance with 150.3(1).

(2) A listing of all local ordinances, permits or other requirements applying to the construction, operation or maintenance of the facility, including the regulatory agencies involved.

(3) Information, categorized by agency, describing compliance with agency requirements. Include a complete application in accordance with each agency's requirements, or in lieu thereof, the applicable permit, license or other approval, and identify any known deficiencies or issues regarding regulatory requirements and efforts to resolve those deficiencies or issues.

c. In section 3, entitled "Need for Facility," the applicant shall include the following:

(1) A list of potential users of the facility (sources of waste), including location(s).

(2) A description of current treatment, storage or disposal practices of those potential users.

(3) A description of available or potential technical alternatives for handling the wastes, including but not limited to source reduction, reuse, resource recovery, incineration, and detoxification. Other facilities available for treatment, storage or disposal also must be identified.

(4) A detailed analysis of the economic and other costs and benefits derived from the facility, considering the available or potential alternatives. Statements of need and intent to use the facility from potential users should be included.

d. In section 4, entitled "Impact on the Area," the applicant shall include the following:

- (1) A description of land uses and zoning classifications within one mile from the site property boundaries. Include, where possible, the extent to which the site and surrounding area are by present or projected use dedicated to industrial development.
- (2) A forecast of the impact on agricultural production and uses.
- (3) A forecast of the impact on open space areas and areas of significant wildlife habitat. Such forecast shall include identification and description of the impact of the proposed facility on terrestrial and aquatic plants and animals, forests, wetlands, and prairies.
- (4) A forecast of the impact on cultural resources including known archaeological, historical and architectural properties which are on, or eligible for, the national register of historic places.
- (5) A forecast of the impact on landmarks of historic, religious, archaeological, scenic, natural or other cultural significance.
- (6) For land disposal, land treatment, surface impoundments, waste piles, and underground storage tanks, a description of the soil/bedrock underlying the site, including type of bedrocks, faults, fissures, crevices, springs, sinkholes, seeps, limestone cavities or other irregularities in bedrocks or soil layers, and hydrological information where applicable.
- (7) Population density within a one-mile radius from the site property boundaries.
- (8) The consequences of improper treatment, storage or disposal of each waste or classes of waste (fires, explosions, contamination of water supplies, etc.) and the probability of their occurrence.
- (9) The impact of the facility on the operations and responsibilities of the city and county in which the facility will be located and on the cities and counties near the site. Include sewer and water hook-ups, use of local landfill, whether waste will be discharged to the municipal wastewater disposal system, what police and fire services are needed, road services required such as snow removal and repairs, and additional health services required.
- (10) The economic impact of the facility on the area within a 15-mile radius, including potential clients and job opportunities, payroll, and financial sources.
- (11) A forecast of environmental impact on rivers, streams, lakes and their shorelines, aquifers, air quality, and soils, all within a 15-mile radius of the property boundaries.
- (12) Modes of transportation to and from the facility (air, water, rail or roads).
- (13) Probable routes that will be used in transporting waste from clients and potential clients to the facility.
- (14) Iowa cities that will be along such probable routes.
- (15) The consequences of an accident during transportation of such waste, and the probability of accidents.

567—150.4(455B) Temporary commissioners. Immediately upon the filing of an application, the director shall notify by certified mail the city council of the city nearest the proposed site and the county board of supervisors of the county in which the proposed site is located. The council will have 30 days from receipt of notice to notify the department of the appointment of up to two residents as temporary members of the commission and the board will have 30 days from receipt of notice to notify the department of appointment of up to two residents as temporary members of the commission, for purposes of consideration and determination of the application. Notice to the department shall be in writing and include each member's name, address and telephone number.

567—150.5(455B) Initial review, notice, and acceptance.

150.5(1) Upon the filing of the application, the department will promptly distribute a copy of the application to the regulatory agencies identified as requiring a permit or license and request such agencies to review the application for completeness and compliance as to their requirements and to notify the applicant of any deficiencies in writing, with a copy to the department, within 20 days of the date of filing. The department also shall review the application for completeness and compliance with any

permit requirements within its jurisdiction, and notify the applicant in writing of any deficiencies within 30 days of filing.

150.5(2) The applicant shall have 90 days from the date of receipt of notification to fully respond to stated deficiencies and resubmit the application or replacement pages thereof to the department and regulatory agencies. Regulatory agencies shall have 20 days from receipt to notify the department and application whether the resubmitted application is in substantial compliance with its requirements.

150.5(3) If the application, initially or after amendment, is in substantial compliance with 150.3(455B), the department shall prepare a “Notice of Acceptance” in the following form and transmit it by certified mail or have it delivered in person to the applicant within 30 days of filing or resubmission of the application. Regulatory agencies, interested agencies and persons, and all commission members also shall be sent a copy of the notice at the same time, and all commission members shall be sent the full application.

STATE OF IOWA
ENVIRONMENTAL PROTECTION COMMISSION

IN THE MATTER OF:)	
)	
)	DOCKET NO. *-HWSL-**
APPLICATION OF _____)	
FOR HAZARDOUS WASTE)	NOTICE OF ACCEPTANCE
FACILITY SITE LICENSE)	
)	

- * Two digit reference to year of acceptance
- ** Two digit reference to number of acceptance in the calendar year (01, 02, 03 etc.)

If a resubmitted application is rejected, the applicant must start the process all over, including payment of the nonrefundable application fee.

567—150.6(455B) Intervention. Except as otherwise provided in this subrule intervention shall be in accordance with 567—subrule 7.10(5).

150.6(1) Notice of intervention. An agency not receiving notice pursuant to subrule 150.5(1) may become a party by filing with the commission an original and 25 copies of a notice of intervention. The notice shall contain a statement of the jurisdiction or interest of the agency with respect to the proposed facility, and shall be served by the agency on all parties of record.

150.6(2) Petition to intervene. Any other person may request to intervene by filing an original and 25 copies of a petition to intervene within 30 days after acceptance of the application, but not afterward except for good cause shown. The petition shall specify the interest of the petitioner with respect to the proposed facility and specify the issues the person wants to raise before the commission. A copy of the petition shall be served by the petitioner on all parties of record, and all parties to the proceeding shall have the right to resist or respond in writing to the petition within seven days after service upon them by filing an original and 25 copies with the department and serving the petitioner and all other parties.

150.6(3) Commission decision. The commission may, in its discretion, grant or deny the petition, considering the substantiality of the petitioner’s rights allegedly affected by the grant or denial of the application, the extent to which such rights would or would not be protected by other parties to the proceeding, and the extent to which the interest in an expeditious and economical proceeding may be adversely affected. Intervenors shall comply with the procedural schedule and all other requirements pertaining to the proceeding.

567—150.7(455B) Proceedings. Except as otherwise provided in this rule, the contested case procedures of 561—Chapter 7 and Iowa Code chapter 17A shall apply.

150.7(1) Presiding officer. The commission, including temporary members, shall preside over the proceedings and make the final determination. An administrative law judge for the department of inspections and appeals may assist the commission to ensure that the provisions of Iowa Code chapter 17A, 561—Chapter 7 and this rule are met, to provide advice on legal technicalities which may arise during the proceedings, and to prepare orders and perform other ministerial functions. Commission members who actually preside over matters or actually review the record may vote on determinations. A majority of the entire commission must vote affirmatively to grant a site license. (NOTE: In a given case, the commission may consist of from 9 to 17 members, depending on the makeup of the environmental protection commission and the appointment of temporary members.)

150.7(2) Procedural schedule. Within 30 days after the application is accepted, the commission shall establish a procedural schedule for consideration of the application. The schedule shall be established to the extent possible by agreement of the parties at a prehearing conference to be held two weeks after acceptance of the application, or at such other time as agreed upon. Notice of the procedural schedule and hearing shall be promptly served personally or by certified mail on the parties, interested agencies and persons, and all owners of record of real property located within one mile from the boundaries of the proposed site. The procedural schedule shall consist of:

a. A date for completion of discovery, if any is determined necessary. Discovery shall not be used to delay the proceedings and in view of the time constraints of Iowa Code section 455B.446(1), the time periods allowed in the rules of civil procedure may be shortened. The parties shall cooperate through informal means of discovery to the extent reasonable.

b. A date by which the direct written testimony of parties shall be filed.

c. A date by which the rebuttal testimony of parties shall be filed.

d. A date or dates for hearing, which shall be no later than 120 days after the application is accepted and no sooner than 20 days after public notice of hearing in accordance with 150.7(3). The time and place of hearing or hearings shall be included.

e. A date for posthearing legal briefs, three weeks after the last day of hearing, and a date for rebuttal briefs two weeks after the date for initial briefs. The filing of briefs may be waived at the close of the hearing.

150.7(3) Public notice of hearing. In addition to the specific notice required by 150.7(2), notice of hearing shall be published in accordance with Iowa Code section 455B.446(4).

150.7(4) Written testimony. In order to clarify issues, simplify the proceedings and avoid surprise, all parties shall file the written testimony of any witnesses on their behalf prior to the hearing, as specified in the procedural schedule. Testimony shall be typed on plain white, 8½- x 11-inch paper, double spaced, in question and answer form, with each typed line being numbered at the left margin and each page numbered at the center bottom margin. The first page shall begin with the caption of the case and be appropriately labeled (e.g., “Direct Testimony of _____, for _____”). Parties may file written rebuttal testimony in the same manner in accordance with the procedural schedule. Such filing is mandatory if significant comment to direct testimony is to be made a part of the record.

150.7(5) Conduct of hearing.

a. *Place.* The hearing shall be conducted in the county in which the proposed site is located, unless the commission determines that another location would be more reasonable considering the convenience of the commission members, the parties, and the potentially affected public.

b. *Submission of evidence.* The previously filed written testimony shall be placed in evidence by affirmation of and summarization by the witness at the hearing, in the following order, unless the parties and presiding commission agree that a different order would be more practicable.

- (1) Direct testimony of applicant’s witnesses.
- (2) Direct testimony of regulatory agency witnesses.
- (3) Direct testimony of intervenors’ witnesses.
- (4) Rebuttal testimony of applicant’s witnesses.

(5) Rebuttal testimony of regulatory agency witnesses.

(6) Rebuttal testimony of intervenors' witnesses.

The witness shall explain any changes to the written testimony that should be made, and shall be subject to cross-examination at the hearing.

c. *Comments.* At the close of presentation of evidence and cross-examination of all parties' witnesses, any person may present oral or written comments at the hearing. The parties may respond to such comments.

d. *Argument.* No oral argument will be allowed by parties unless the party waives the filing of a written brief.

567—150.8(455B) Decision of the commission.

150.8(1) Issuance of decision. Upon the close of the record, the commission shall expeditiously, but no later than 180 days after acceptance of the application, render a written decision with complete determinations as to the facility siting criteria and other necessary findings of fact and conclusions of law which support the decision. The extent to which other agency permits or permit conditions shall be made a part of the site license shall be included in the decision. The presumption is that other agency requirements will be included in a license, and justification shall be given if they are not.

150.8(2) Decisional criteria. In addition to or clarification of the criteria specified in 455B.448, the commission will base its decision on the following:

a. Whether the service and operations resulting from the construction of the facility are required by the present and future public interest. Such determination shall include:

(1) Each potential user's current and projected need for treatment, storage or disposal facilities;

(2) The public health, environmental, social and economic advantages, disadvantages, and risks associated with alternative methods of meeting the established need; and

(3) The advantages, disadvantages, and risks to the public and the environment of the replacement of existing facilities.

b. Whether the construction, maintenance, and operation of the proposed facility will minimize adverse impact on:

(1) Public health and welfare;

(2) Air quality, surface and groundwater quality, wildlife and wildlife habitat, and soils;

(3) Parks and recreational areas, residential and commercial areas, and landmarks of historic, religious, archaeological, scenic or other cultural considerations;

(4) Land use, tax base, public obligations for services, employment or local economic considerations.

c. Whether the proposed methods of treatment, storage or disposal are reasonable choices considering available technology and the economics of available alternatives. Emphasis shall be placed on alternatives to land burial of hazardous waste in the following order: source reduction, reuse, resource recovery, incineration, and detoxification.

d. Whether the proposed site represents a reasonable choice among available alternatives considering its impact on the factors listed in paragraph 150.8(2)"b."

e. Whether the facility will be constructed, maintained and operated in accord with accepted good engineering practice to ensure, as far as reasonably possible, protection of the public health and the environment.

f. Whether the proposed facility complies with applicable city, county or airport zoning requirements, and if not, whether the location of the proposed facility at the proposed site is reasonably justified.

g. Whether (to the extent consistent with the site licensing authority) the applicant complies with the requirements of regulatory agencies. Failure of the applicant to make timely application for and obtain permits or other approvals may be considered by the commission as evidence of the unsuitability of the facility for the location. Similarly, failure of agencies to make timely review of applications

or make an adequate record in the proceeding may be considered by the commission as reason to supersede such licensing requirements by issuance of a site license without consideration or incorporation of such requirements.

h. Whether the applicant is willing and able to construct, maintain, and operate the facility in accordance with the provisions of the site license and anticipated operating permits through the life of the site.

150.8(3) License. Unless the decision is to deny the site license, a license in accordance with the decision shall be issued along with the decision. License conditions shall include, but need not be limited to, the following:

- a.* Site boundaries and a description of approved facilities and processes.
- b.* Wastes allowed.
- c.* A construction schedule which if not adhered to voids the license.
- d.* A limitation on transfer, in accordance with 150.10(455B).
- e.* Incorporation of regulatory agency permits or requirements, consistent with the decision. The

license shall specify that the licensee remains subject to the jurisdiction of those regulatory agencies whose permits or requirements were incorporated in the license, to the extent incorporated, and that future renewals of operation or other permits incorporated shall be through the respective regulatory agency.

f. If land burial of hazardous waste is involved, payment of the surcharge tax in accordance with Iowa Code section 455B.455 shall be a condition.

567—150.9(455B) Assessment of costs. The applicant for a license, or an amendment to a license, shall pay all the costs and expenses incurred by the commission in reaching a decision on the application including the costs of examinations of the site, the hearing, publishing of notice, commission expenses, the cost of consultants employed by the commission, and other expenses reasonably attributable to the proceeding up to \$9,000.

567—150.10(455B) Transfer of license. A site license may not be transferred unless the licensee and proposed transferee give 120 days' written notice to the department of the proposed transfer. The notice shall include an agreement of the proposed transferee to comply with the terms of the license and shall include documentation demonstrating the ability to comply. The director shall make an initial decision within 60 days, which shall be presented to the commission at its next regularly scheduled meeting. If the decision is to deny the transfer, the licensee and proposed transferee may demand a contested case hearing pursuant to 561—Chapter 7 by filing a written notice of appeal with the director within 30 days of receipt of the denial. If the decision is to approve the transfer, the commission may approve the decision or determine that a contested case hearing should be held, after which the commission shall make a final decision.

567—150.11(455B) Suspension/revocation/modification. A site license may be suspended, revoked or modified by the department pursuant to 561—7.16(455B) for any of the following grounds:

150.11(1) Obtaining a license by misrepresentation of fact or failure to disclose fully all material facts.

150.11(2) Repeated violations of any term of the license.

150.11(3) A change in any condition that requires either a temporary or permanent modification, reduction or elimination of the licensed activities.

150.11(4) Suspension, revocation, termination or modification of permits of regulatory agencies which were incorporated in the license. However, the failure of the department to take such action with respect to the license after a regulatory agency does, shall not be construed to supersede or otherwise detract from the legitimacy of the regulatory agency action and authorize continued operation contrary to regulatory agency requirements.

150.11(5) For land burial facilities, failure to pay the surcharge tax.

These rules are intended to implement Iowa Code chapter 455B, division IV, part 6, 455B.441 to 455B.455.

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